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SUBJECT: SELECTION OF NEW ELECTORAL BODY MOVING AHEAD

REF: 08 NAIROBI 2851

SUMMARY

1. The Parliamentary Select Committee (PSC) has settled on a Chair and 8 Commissioners for the Independent Interim Electoral Commission (IIEC). The IIEC is a temporary body that was formed in December 2008 to replace the discredited Electoral Commission of Kenya (ECK) (Reftel). It is tasked with the massive task of revising Kenya's flawed voter register, organizing parliamentary and local council by-elections, and organizing a referendum for a new constitution which was agreed as part of the political settlement of Kenya's post-election crisis. The nomination for Chair is a well-respected young Somali Kenyan lawyer who appears have wide acceptance from political parties. We expect Parliament will approve the entire slate early in the session that began on April 21 (septel), eliminating a key institutional vacuum and allowing necessary electoral reforms to proceed. We will meet with the new IIEC Chair soon after he is appointed to discuss his plans for the body and to offer assistance. End Summary.

RESOLVING AN INSTITUTIONAL VACUUM

2. The Parliamentary Select Committee (PSC) has settled on a Chair and 8 Commissioners for the Independent Interim Electoral Commission (IIEC). The IIEC is a temporary body that was created in December 2008 through a constitutional amendment abolishing the discredited Electoral Commission of Kenya (ECK). The IIEC is tasked with the massive task of revising Kenya's flawed voter register, organizing parliamentary and local council by-elections, and organizing a referendum for a new constitution which was agreed as part of the political settlement of Kenya's post-election crisis. (Note: The new constitution is expected to create a permanent electoral body which will assume the IIEC's function. End Note.) This is the PSC's second attempt to reach consensus on the composition of the body. A previous attempt in February to appoint the IIEC Chair and Commissioners failed when the Orange Democratic Movement (ODM) withdrew its support for the slate, allegedly in the belief that the proposed Chair was partial to the Kikuyu community. ODM also apparently objected to another commissioner for his prior service with the ECK. Another candidate for commissioner withdrew on his own.

3. The PSC subsequently readvertised the vacancy for the Chair and two commissioner positions. After a human resource consultant created a short-list from over 200 applicants, the PSC conducted extensive interviews of the best-qualified candidates. Following consultations with the ODM and the Party of National Unity (PNU), the PSC settled on Ahmed Hassan, a young Somali Kenyan lawyer who has the reputation as an intelligent and well-respected lawyer. He previously

worked as a member of the constitutional review commission that created the Bomas draft in 2005, where he was noted for his non-partisan stance.

COMMENT

¶4. We expect that Hassan and the slate of commissioners will be approved by Parliament as one of its first points of business in the new session, which began on April 21. Establishing the IIEC is a key part of the reform agenda. Once established, the IIEC will be called on to undertake parliamentary by-elections to fill two vacant seats. We will meet with Hassan shortly after his appointment to discuss his plans for the body and how the U.S. might assist the IIEC to achieve its critical tasks to restore integrity and public confidence in Kenya's electoral body. End Comment.
RANNEBERGER